1945.

File No. B. Small Holders 45

Legal Dept-
E BRANCH

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Subject:—

A Bill to amend the Bombay Small Holders Relief Act 1938 — extending the term for two years.

Bm VI of 1945

(1)

File No. B Small-Holders/45-

Gen. 194 e.

2 R O/B

Office of the R.L.A.

The draft Bil at page 263 ante , as formally amended, is in order.The draft statement on page 265 ante is in order.

2. The subject-matter of the Bill falls under entry No. 21 in List II and entries Nos. 4 and 8 in List III of the Seventh Sechdule to the Government of India. Act , 1935.As sections 3,4,6,7,9 and 11 of the Bombay SmallHolders Relief Act, 1938, are repugnant to the provisions of the existing Indian laws contained in the Code of Civil Procedure, 1908, the Indian Limitation Act, 1908 and the Transfer of Property Act, 1882 and as the bill is intended to extend the life of the Act for a further period of 2 years, the Bill willl have to be reserved for the consideration of the Governor General with referencr to para- 20 of the Proclamation and section 107(2) of the Government of India Act, 1935.

3. The draft notification at page 267 ante is in order.

Sd/- P.N.M.
dt/- 15/1/45/

Remembrancer of Legal Affairs.

U.R. to R.D. No. 18-Confl. dated the 15th January 1945.

No. 2059
Legal Department,
Bombay Castle, 15th March 1945.

From

P.N.MOOS, Esquire, Bar-at-Law , I.C.S.
Secretary to Government of Bombay.

To,

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Small Holders Relief Act, 1938.

Sir,

With reference to your memorandum No. 201(55), dated the 30th January 1945, addressed to the Revenue Department, on the above subject, I am directed to send herewith a copy of the Bill to amend the Bombay Small Holders Relief Act, 1938, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act , 1935, and to request you to forward the same to the Secretary to the Governor General (Public) for obtaining the assent of His Excellency the Governor General.

2. The subject matter of the Bill falls under entry No. 21 in List II and entries Nos. 4 and 8 in List III in the Seventh Schedule to the Government of India Act, 1935. As sections 3, 4,6,7,9, and 1 1 of the Bombay Small Holders Releif Act, 1938 are repugnant to the provisions of the existing Indian laws contained in the Code of Civil Procedure, 1908 , the Indian

VVK. 12/7/56/

5C.

Limitation Act, 1908 , and the Transfer of Property Act, 1882 , and as the Bill is intended to extend the life of the Act foar a further period of two years, the Bill will have to be reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation anddsection 107(2) of the Government of India Act, 1935.

3. I also forward herewith six spare copies of the Bill, out of which five copies are for transmission to the Secretary to the Governor General (Public).

4. It is requested that His Excellency the Governor General may be moved to give his assent to the bill before 31st March 1945 and to convey the assent by telegram, if necessary , so as to enable this Government to publish the assent before 31st March 1945 as the old Act expires on that day and the new Act must come into force on that date.

Your obedient servant,

Id/- P.N.M.
dt/- 15/5/45.

Secretary to the Government of Bombay,
Legal Department..

The Secretary to the Government of Bombay,
Revenue Department.

VVK. 12/7/56/

5C.

Acts.

Publication of the Bombay Small Holders Relief (Amendment) Act, 1945.

GOVERNMENT OF BOMBAY.

Legal Department.
Resolution No. 2458
Bombay Castle, 29th March 1945.

Letter to the Secretary to the Governor, No. 2059, dated the 15th March 1945.

Memorandum from the Secretary to the Governor, No. 201(55), dated the 26th March 1945.

"With reference to the letter from the Secretary to Government, Legal Department, No. 2059, dated 15th March 1945, on the subject of the Bill to amend the Bombay Small Holders Relief Act, 1938, Legal Department is informed that intimation has been received by telegram from the Secretary to the Governor General (Public) that the Governor General Assented to the Bill on the 22nd March 1945."

RESOLUTION.- The law should published as Bombay Act No. VI of 1945, in the Bombay Government Gazette dated the 29th March 1945.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindus and (in Urdu and Devnagari scripts) and the translations should be publsihed in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the R... ic Department.

By order of the Governor of Bombay,

Sd/- K.M.Chitnis.

for { P.N.MOOS.
Secretary to Gocernment.

VVK. 12/7/56/ 5C.

Acts.

Publication of the Bombay Small Holders Relief (Amendment) Act, 1945.

GOVERNMENT OF BOMBAY.

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Bombay Castle, 29th March 1945.

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RESOLUTION.- The law should published as Bombay Act No. VI of 1945, in the Bombay Government Gazette dated the 29th March 1945.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be publsihed in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department.

By order of the Governor of Bombay,

Sd/- K.M.Chitnis.

for { P.N.MOOS.
Secretary to Gocernment.

VVK. 12/7/56/ 50.

23 47

GOVERNOR'S BILL No. VI OF 1945.

A Bill to amend the Bombay Small Holders Relief Act, 1938.

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing;

Bom. VIII of 1938.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1945.

(*2*) It shall come into force on the 31st day of March 1945.

Amendment of section 1 of Bom. VIII of 1938.

2. In sub-section (*3*) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act,", for the figures "1945" the figures "1947" shall be substituted.

Bom. VIII of 1938.

Amendment of section 3 of Bom. VIII of 1938.

3. In sub-section (*2*) of section 3 of the said Act, for the words "seven years" wherever they occur, the words "nine years" shall be substituted.

Amendment of section 4 of Bom. VIII of 1938.

4. In sub-section (*1*) of section 4 of the said Act, for the figures "1945" the figures "1947" shall be substituted.

Amendment of section 9 of Bom. VIII of 1938.

5. In sub-section (*1*) of section 9 of the said Act, for the figures "1943" and "1944" wherever they occur, the figures "1945" and "1946" shall, respectively, be substituted.

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STATEMENT.

The Bombay Agricultural Debtors Relief Act, 1939, and the Bombay Tenancy Act, 1939, having been applied only to a few talukas and pethas, the Bombay Small Holders Relief Act, 1938, is at present in force in much the greater part of the Province. If the Act is not renewed, it will cease to be in force from the 31st of March 1945.

2. Government has again given careful consideration to the question of keeping the Act alive and has come to the conclusion that in the circumstances now prevailing it is necessary to extend the life of the Act. The Act is accordingly being continued for a further period of two years.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 29TH MARCH 1945.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	Pages
BOMBAY ACT No. IV OF 1945—An Act to amend the Bombay Finance Act, 1932	26-27
BOMBAY ACT No. V OF 1945—An Act to amend the Bombay Rent Restriction Act, 1939	27-28
BOMBAY ACT No. VI OF 1945—An Act to amend the Bombay Small Holders Relief Act, 1938	28-29

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 26th February 1945 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. IV OF 1945.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th March 1945.)

An Act to amend the Bombay Finance Act, 1932.

Bom. II of 1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Finance (Amendment) Act, 1945.

(*2*) It shall come into force on the 31st day of March 1945.

Amendment of section 2 of Bom. II of 1932.

2. In sub-section (*3*) of section 2 of the Bombay Finance Act, 1932, (hereinafter called the said Act) for the word "thirteen" the word "fourteen" shall be substituted.

Insertion of new section 2A in Bom. II of 1932.

3. After section 2 of the said Act, the following new section shall be inserted, namely :—

Savings.

"2A. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Bombay Increase of Stamp Duties Act, 1943, and the Bombay Increase of Court-fees Act, 1943." Bom. XIV of 1943. Bom. XV of 1943.

STATEMENT.

The Bombay Finance Act, 1932, containing provisions for the imposition of an electricity duty, enhanced stamp duties and court-fees and the urban immovable property tax expires on the 31st March 1945. Government has decided that these imposts should continue for another year at the existing rates.

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 8th March 1945 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. V OF 1945.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th March 1945.)

An Act to amend the Bombay Rent Restriction Act, 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing ; Bom. XVI of 1939.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ; 26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1945.

(*2*) It shall come into force on the 31st day of March 1945.

Amendment of section 1 of Bom. XVI of 1939.

Bom. XVI of 1939.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1945" the figures "1946" shall be substituted.

STATEMENT.

The extended term of the Bombay Rent Restriction Act of 1939, which restricts the increase of rents of premises not exceeding Rs. 80 per mensem, expires on 31st March 1945. Government considers it necessary to continue the restriction and proposes to extend the term of the Act for a further period of one year from 1st April 1945 and to amend the Act accordingly.

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 22nd March 1945 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VI OF 1945.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th March 1945.)

An Act to amend the Bombay Small Holders Relief Act, 1938.

Bom. VIII of 1938.

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing ;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1945.

(2) It shall come into force on the 31st day of March 1945.

Amendment of section 1 of Bom. VIII of 1938.

2. In sub-section (3) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act,", for the figures "1945" the figures "1947" shall be substituted. Bom. VIII of 1938.

Amendment of section 3 of Bom. VIII of 1938.

3. In sub-section (2) of section 3 of the said Act, for the words "seven years" wherever they occur, the words "nine years" shall be substituted.

Amendment of section 4 of Bom. VIII of 1938.

4. In sub-section (1) of section 4 of the said Act, for the figures "1945" the figures "1947" shall be substituted.

Amendment of section 9 of Bom. VIII of 1938.

5. In sub-section (1) of section 9 of the said Act, for the figures "1943" and "1944" wherever they occur, the figures "1945" and "1946" shall, respectively, be substituted.

STATEMENT.

The Bombay Agricultural Debtors Relief Act, 1939, and the Bombay Tenancy Act, 1939, having been applied only to a few talukas and pethas, the Bombay Small Holders Relief Act, 1938, is at present in force in much the greater part of the Province. If the Act is not renewed, it will cease to be in force from the 31st of March 1945.

2. Government has again given careful consideration to the question of keeping the Act alive and has come to the conclusion that in the circumstances now prevailing it is necessary to extend the life of the Act. The Act is accordingly being continued for a further period of two years.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.